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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**
15

16 DOUGLAS KRUSCHEN, an
individual,

17 Plaintiff,

18 v.

19 FIRST ADVANTAGE
CORPORATION, a Delaware
20 corporation *et al.*,

21 Defendants.
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Case No: 2:16-CV-02948-DMG-AJW

District Judge: Hon. Dolly M. Gee

Magistrate Judge: Hon. Andrew J.
Wistrich

**DEFENDANT SOURCE SUPPORT
SERVICES, INC.'S ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFF DOUGLAS KRUSCHEN'S
AMENDED COMPLAINT**

Amended Complaint Filed: September 26,
2016

ANSWER

Defendant Source Support Services, Inc. ("Source Support") hereby responds to the Complaint ("Complaint") filed by Plaintiff Douglas Kruschen ("Plaintiff"), and avers as follows:

INTRODUCTION

1. Paragraph 1 is a statement of law to which no response is required.
2. Paragraph 2 is a statement of law to which no response is required.
3. Paragraph 3 is a statement of law to which no response is required.

JURISDICTION AND VENUE

4. Paragraph 4 is a statement of law to which no response is required. Source Support does not contest jurisdiction.

5. Paragraph 5 is a statement of law to which no response is required. Source Support does not contest jurisdiction.

6. Admitted.

7. Paragraph 7 is a statement of law to which no response is required. To the extent that a response is required, Source Support states that it does not contest venue in this action.

8. Paragraph 8 is a statement of law to which no response is required.

PARTIES

9. Source Support is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, on that basis, denies them.

10. Paragraph 10 is a statement of law to which no response is required. Source Support is without knowledge or information sufficient to form a belief as to the truth of the averments contained therein and, on that basis, denies them.

1 11. Paragraph 11 is a statement of law to which no response is required.
2 Source Support is without knowledge or information sufficient to form a belief as to
3 the truth of the averments contained therein and, on that basis, denies them.

4 12. Paragraph 12 is a statement of law to which no response is required.

5 13. Source Support admits that it transacts business in various parts of the
6 United States of America. Source Support denies any liability to Plaintiff.

7 14. Source Support is without knowledge or information sufficient to form
8 a belief as to the truth of the averments contained therein and, on that basis, denies
9 them.

10 15. Source Support is without knowledge or information sufficient to form
11 a belief as to the truth of the averments contained therein and, on that basis, denies
12 them.

13 16. Source Support is without knowledge or information sufficient to form
14 a belief as to the truth of the averments contained therein and, on that basis, denies
15 them.

16 17. Admitted.

17 18. Denied.

18 **FACTUAL ALLEGATIONS**

19 19. Denied.

20 20. Denied.

21 21. Source Support is without knowledge or information sufficient to form
22 a belief as to the truth of the averments contained therein and, on that basis, denies
23 them. Source Support specifically denies that it received Plaintiff's consumer report.

24 22. Source Support is without knowledge or information sufficient to form
25 a belief as to the truth of the averments contained therein and, on that basis, denies
26 them. Source Support specifically denies that it received Plaintiff's consumer report.

1 23. Denied.

2 24. Denied.

3 25. Denied.

4 26. Source Support is without knowledge or information sufficient to form
5 a belief as to the truth of the averments contained therein and, on that basis, denies
6 them.

7 **COUNT I**

8 **VIOLATIONS OF THE FAIR CREDIT REPORTING ACT, 15 U.S.C. § 1681**

9 27. Paragraph 27 is a statement of law to which no response is required.

10 28. Paragraph 28 is a statement of law to which no response is required.

11 29. Denied.

12 30. Denied.

13 31. Denied.

14 32. Denied.

15 33. Denied.

16 34. Denied.

17 35. Denied. Source Support denies any liability to Plaintiff.

18 **COUNT II**

19 **CONSUMER CREDIT REPORTING AGENCIES ACT, CAL. CIV. CODE § 1785**

20 36. Source Support hereby restates and reasserts every prior response and
21 affirmative defense as if fully set forth herein.

22 37. Paragraph 37 is a statement of law to which no response is required.

23 38. Paragraph 38 is a statement of law to which no response is required.

24 39. Paragraph 39 is a statement of law to which no response is required.

25 40. Denied.

26 41. Denied.

1 42. Denied.

2 43. Denied. Source Support denies any liability to Plaintiff.

3 **COUNT III**

4 **INVESTIGATIVE CONSUMER REPORTING AGENCIES ACT, CAL. CIV. CODE § 1786**

5 44. Source Support hereby restates and reasserts every prior response and
6 affirmative defense as if fully set forth herein.

7 45. Paragraph 45 is a statement of law to which no response is required.

8 46. Paragraph 46 is a statement of law to which no response is required.

9 47. Paragraph 47 is a statement of law to which no response is required.

10 48. Denied.

11 49. Denied. Source Support denies any liability to Plaintiff.

12 **RESPONSE TO PLAINTIFF'S PRAYER**

13 46. Source Support denies that Plaintiff is entitled to any relief whatsoever.
14 Thus, having answered the Complaint, Source Support prays that this Court will:

15 (a) Dismiss the Complaint with prejudice;

16 (b) Deny Plaintiff's prayer for relief;

17 (c) Charge all costs against Plaintiff; and

18 (d) Grant such other and further relief as this Court deems proper and just.

19 **AFFIRMATIVE DEFENSES**

20 **FIRST AFFIRMATIVE DEFENSE**

21 Some or all of Plaintiff's claims fail to state a claim upon which relief may be
22 granted by this Court.

23 **SECOND AFFIRMATIVE DEFENSE**

24 Plaintiff has not suffered any loss for which Source Support may be held
25 liable.

1 **THIRD AFFIRMATIVE DEFENSE**

2 Plaintiff's claims are barred, in whole or in part, because any damages or
3 injuries to the Plaintiff is the result of conduct or acts by other entities, entirely
4 separate from Source Support.

5 **FOURTH AFFIRMATIVE DEFENSE**

6 Plaintiff's claims are barred, in whole or in part, because Plaintiff consented
7 to Source Support's alleged actions or inactions.

8 **FIFTH AFFIRMATIVE DEFENSE**

9 Source Support has at all times been in compliance with the Fair Credit
10 Reporting Act, the Consumer Credit Reporting Agencies Act, and the Investigative
11 Credit Reporting Agencies Act.

12 **SIXTH AFFIRMATIVE DEFENSE**

13 Source Support reserves the right to assert any affirmative defense(s) and
14 matter(s) in avoidance as may be disclosed during the course of additional
15 investigation and discovery.

16 **SEVENTH AFFIRMATIVE DEFENSE**

17 Source Support denies every allegation of the Complaint not specifically
18 admitted in this Answer.

DEMAND FOR TRIAL BY JURY

Source Support hereby demands a jury trial in this matter on all matters triable to a jury.

Dated: October 17, 2016

Respectfully submitted,

/s/ Brian R. Weilbacher

Brian R. Weilbacher, Esq.
Lisa D. Walker, Esq.
Weilbacher & Weilbacher APC

L. Clint Crosby, Esq.
Baker, Donelson, Bearman, Caldwell
& Berkowitz, P.C.

*Attorneys for Defendant Source
Support Services, Inc.*

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action; my business address is: 5850 Thille Street, Suite 200, Ventura, California 93003.

On October 17, 2016, I served the foregoing document described as "DEFENDANT SOURCE SUPPORT SERVICES, INC.'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF DOUGLAS KRUSCHEN'S AMENDED COMPLAINT" on the interested parties in this action by placing a true copy thereof as follows:

☒ **BY MAIL:** I deposited a true copy thereof enclosed in a sealed envelope in the mail at Ventura, California. The envelope was mailed with postage thereon fully prepaid addressed as follows.

☒ **BY ELECTRONIC SERVICE:**

☒ By transmitting the document(s) listed above, electronically, via the email addresses set forth below.

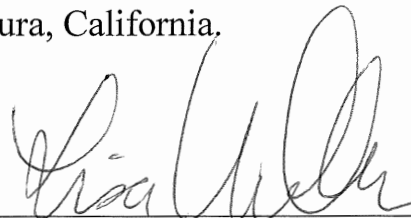
☒ By transmitting the document(s) listed above, electronically, via the Court's ECF/CM System.

Douglas Kruschen
P O Box 465
Agoura Hills, CA 91376-0465
douglask@mac.com
Via US Mail and Email

Clint L. Crosby
Baker Donelson Bearman Caldwell &
Berkowitz, PC
3414 Peachtree Road NE, Suite 1600
Atlanta, GA 30326
ccrosby@bakerdonelson.com
Via Court's ECF Only

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 17, 2016, at Ventura, California.



Lisa Walker